

## REMARKS

This application has been reviewed in light of the final Office Action mailed on April 23, 2010. Claims 1-20 are pending in the application with Claims 1, 15, and 19 being in independent form. By the present Amendment, Claims 1, 15, and 19 have been amended.

Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (U.S. Application No. 2002/0003798) in view of Varma (U.S. Patent No. 7,388,919).

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...wherein the data packets falling into one quality range affect retransmission decisions regarding the data packets falling into another quality range.”

At page 3 of the present final Office Action, the Examiner stated that Sato is silent in regards to “the subsequent transmitter behaviour includes adjusting at least one transmitter parameter of the first station such that the at least one transmitter parameter corresponding to the at least two non-contiguous ones of the quality ranges is identical.” The Examiner relied on Varma to cure the deficiencies of Sato. However, neither Sato nor Varma teach and/or suggest the feature added to independent Claim 1.

The applied combination of Sato and Varma fails to disclose and/or suggest “...wherein the data packets falling into one quality range affect retransmission decisions regarding the data packets falling into another quality range,” as recited in amended independent Claim 1.

As best understood, Varma relates to a system that adapts wireless link parameters for a wireless communication link. A measure is determined of errors occurring in communication over a wireless link. In a case that the measure of errors corresponds to more errors than a first predetermined threshold, communication changes from a first set of wireless link parameters to a second set of wireless link parameters. The second set of wireless link parameters corresponds to

higher error tolerance than the first set of wireless link parameters. In a case that the measure of errors corresponds to fewer errors than a second predetermined threshold, communication changes from the first set of wireless link parameters to a third set of wireless link parameters. (Abstract).

In contrast, in the present disclosure, and specifically at paragraph [0035] of Applicants' published application (2008/0232291), it is stated that:

"Depending on the types of acknowledgements received, indicating how good or bad reception is, the Node B or base station BS may take the decision whether to perform retransmissions (or not) in accordance with a number of options. Firstly, always retransmit once, or a predetermined number of times, when receiving NACK 1, possibly preventing NACK 2 mobile stations from sending their feedback, so as to release uplink resources. Secondly, only retransmit when NACK 2 messages are received."

In other words, the data packets falling into one quality range affect retransmission decisions regarding the data packets falling into another quality range. For example, if the data packets fall into the NACK1 category, then data packets falling into the NACK2 category would be prevented from being transmitted in order to, for instance, release uplink resources. Varma does not disclose any type of relationship between the data packets falling into different ranges.

The applied combination of Sato and Varma does not disclose all the features recited by independent Claim 1. Therefore, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Independent Claims 15 and 19 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 19 and allowance thereof is respectfully requested.

Dependent Claims 2-14, 16-18, and 20, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 15, and 19. Further, dependent Claims 2-14, 16-18, and 20 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 2-14, 16-18, and 20, and allowance thereof are respectfully requested.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

Kevin C. Ecker, Esq.  
Registration No. 43,600

By:   
George Likourezos  
Reg. No. 40,067  
Attorney for Applicants  
631-501-5706

Date: July 23, 2010

**Mail all correspondence to:**  
Kevin C. Ecker, Esq.  
Senior IP Counsel  
Philips Electronics North America Corp.  
P.O. Box 3001  
Briarcliff Manor, New York 10510-8001  
Phone: (914) 333-9618